

**IN THE HIGH COURT OF PUNJAB AND HARYAN AT
CHANDIGARH**

**CR No. 3303 of 2014
Date of Decision : 27.7.2015**

M/s Orris Infrastructure, Gurgaon

.....Petitioner

Versus

Bajrang Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present:- Mr. Gunjan Mehta, Advocate, for the petitioner
Mr. Amandeep Rana, Advocate, for respondent No. 1
Respondent No. 2 ex parte vide order dated 17.3.2015
Service of respondents No. 4 to 9 dispensed with vide
order dated 17.3.2015

M.M.S. Bedi, J.

Respondent No.3 having sold the property in dispute to the petitioner appears to be not interested in the present case and had not appeared before the trial Court and as such, service of respondents No. 3 is dispensed with for decision of the present case considering respondent No. 3 as proforma respondent.

Vide impugned order dated 25.2.2014, an application filed by the petitioner under Order 1 Rule 10 CPC for being impleaded as a party in a suit filed by plaintiff/respondent No.1 against defendants/respondents No. 2 and 3 and other respondents, has been dismissed on the ground that the petitioner being a subsequent purchaser i.e. transferee pendente lite, is not a necessary party.

Despite service of the contesting respondents, no reply has been filed.

I have considered the contents of the plaint (Annexure P-1) indicating that the plaintiff/respondent No.1 has filed a suit for declaration that the sale deed dated 24.1.2006 is illegal, null and void and that the plaintiff is still owner in possession of the land in dispute. Injunction has been claimed against defendant No. 2 for restraining him to interfere in the possession of the plaintiff. Petitioner's claim is that it has purchased the property in dispute vide registered sale deed dated 28.3.2011. Taking into consideration the nature of the suit, the title of the plaintiff/respondent No.1 is to be adjudicated upon viz a viz the defendants. Since the contesting defendants have relinquished their rights in the property in dispute by virtue of a registered document in favour of the petitioner, the presence of the petitioner before the trial Court appears to be necessary for effectively and completely adjudicating upon and settling all the questions involved in the suit. In case the petitioner is not before the Court to contest the claim of the plaintiff/respondent No.1, it might led to multiplicity of the litigation.

Accordingly, this petition is allowed. The application under Order 1 Rule 10 CPC filed by the petitioner is allowed. It is ordered that the petitioner is entitled to contest the suit. Written statement appears to have already been filed as vide order dated 12.5.2014, passed by this Court, permission had been granted to the petitioner to file written arguments on record. The petitioner will join the proceedings in the suit. Parties are directed to appear before the trial Court on 28.8.2015 or the date fixed, whichever is later.

(M.M.S. BEDI)
JUDGE

27.7.2015
Ashwani